

Remarks

In view of the above amendments and the following remarks, reconsideration and further examination are respectfully requested.

No claims have been canceled. Claims 12, 14-18, 24, and 25 have been amended, and claim 26 has been added. No new matter has been added by these amendments. By way of nonlimiting examples, support for the amendments to claim 12 and 14-17 as well as new claim 26 can be found on pages 10-11 of the specification and in FIGS. 6-9. Support for the amendments to claims 18 and 24 can be found at page 9 and in FIG. 5, to name a few examples. In still yet another example, support for the amendment to claim 25 can be found at page 11, lines 17-20 in the specification and FIGS. 9-10 in the drawing as well as elsewhere in the application. As a result of these amendments, claims 1-26 are currently pending and under consideration.

Initially, the applicants wish to thank the Examiner for allowing claims 1-11 on page 4 of the Office Action. Further, the applicants wish to thank the Examiner for indicating that claims 15 and 24 contained allowable subject matter on page 4. In that regard, claims 15 and 24 have been rewritten into independent form. Consequently, it is believed that claims 1-11, 15, and 24 are in condition for allowance.

CLAIM OBJECTIONS

On page 2 of the Office Action, claim 13 was “objected to under 37 CFR 1.75(c) as being of improper dependent form for failing to further limit the subject matter of a previous claim.” In traversal, it is believed that claim 13 further limits the previous claim because the recited container was not expressly required by claim 12, and claim 13 expressly requires the container. Specifically, claim 13 has been submitted to utilize the doctrine of claim differentiation to show that the container is not a required element in claim 12. Given that claim 13 requires an additional element, it further limits the claimed subject matter, and therefore, it is requested that the objection to claim 13 be withdrawn.

SPECIFICATION AND DRAWINGS OBJECTIONS

On page 2, the specification was “objected to as failing to provide proper antecedent basis for the claimed subject matter.” In particular, it was alleged that “[t]he flow channel in claim 12 lacks antecedent basis with the specification.” Similarly, the drawings were objected to under 37 CFR 1.83(a) because “the flow channel in claim 12 must be shown or feature(s) canceled from the claim(s).” However, the specification, such as at page 4, lines 12-14, and page 10, line 25 to page 11, line 10 (as well as elsewhere), clearly describes the flow channel (104), and likewise, the drawings at FIGS. 7-9, for example, clearly illustrate the flow channel (104). Therefore, it is respectfully requested that the objections to the specification and drawings be withdrawn.

CLAIM REJECTION UNDER 35 U.S.C. §112

Claim 25 has been amended address the informality cited on page 3 of the Office Action. It is therefore respectfully requested that the rejection of claim 25 under 35 U.S.C. §112, second paragraph, be withdrawn.

CLAIM REJECTIONS UNDER 35 U.S.C. §102

Independent claim 12 was rejected under 35 U.S.C. §102(b) over Maerte et al. As will be explained below, it is thought the claim 12 has been amended so as to distinguish it from Maerte, and therefore, claim 12 is not anticipated by Maerte.

Initially, it should be noted that the patent number for the Maerte reference was not listed in the Office Action, not listed on the attached PTO-892 form, and not listed on a previously submitted Information Disclosure Statement (IDS). As a result, the applicant’s representative contacted the Examiner, and the Examiner indicated that Maerte reference was either U.S. Patent No. 4,776,498 or U.S. Patent No. 4,958,752. Given that the ‘752 patent is a continuation of the ‘498 patent, it has been assumed that the disclosures are the same, and therefore, the same analysis would apply to either patent. For the purposes of discussion below, reference will be made to the Maerte ‘498 patent, but again, the same remarks could equally apply to the Maerte ‘752 patent. In other words, when discussing “Maerte” or the “Maerte reference”, the patent being specifically discussed is the Maerte ‘498 patent, but the same comments apply to the Maerte ‘752 patent.

A brief overview of the technology involved with claim 12 has been provided. As discussed on pages 10-11 as well as illustrated in FIGS. 1-2 of the present application, in order to lower the overall profile of the dispensing system (30), the fluid intake end portion (39) of the pump (33) extends inside the container (37). However, the inlet openings (50) are positioned deeper inside the container (37) such that any fluid below the inlet openings (50) will never be dispensed, and thus, wasted. The intake shroud (48) addresses this issue by acting like a straw to draw fluid in the neck of the container (37) that is below the inlet openings (50). As shown in FIGS. 8 and 9, the flow channels (104) extend along the pump body (41) towards the fluid dispensing end portion (40) of the pump (33). The channel openings (105) of the flow channels (104) open below the fluid inlet openings (50) so as to increase the amount of fluid that is able to be evacuated from the container (37).

It should be recognized that claim 12 as currently amended is not anticipated by Maerte. For example, Maerte fails to disclose or suggest “an intake shroud covering the inlet opening, the shroud including a flow channel with a channel opening configured to draw fluid from the container into the inlet opening; and the flow channel of the shroud extending from the fluid intake end portion towards the fluid dispensing end portion, wherein the channel opening is located along the fluid pump between the inlet opening and the fluid dispensing end portion to increase evacuation efficiency of the fluid from the container” as recited in claim 12. As should be appreciated, the diameter-reduced suction connection 21 that contains suction valve 24 in Maerte cannot correspond to the recited shroud. Rather than extending towards the end of the pump 4 that has the head 7 with the discharge port 8, the opening of suction connection 21 as well as the suction hose 31 extend away. Thus, the pump in Maerte lacks the shroud recited in claim 12. For this and other reasons, claim 12 and its dependent claims are allowable over the references of record.

On page 3 claims 18 was rejected under 35 U.S.C. §102(b) over Maerte. It is believed that claim 18 as currently amended is distinguishable from Maerte.

A general overview of the unique technology involved in claim 18 is provided below. As discussed on pages 2 and 9 of the present application, anyone who has used soap dispensers, such as in public restrooms, has experienced unsightly dripping of soap from the dispenser. This is the result of what is known as head pressure. The greater weight of the fluid in the dispensing

port of the pump gradually overcomes the surface tension of the fluid in the opening of the dispensing port, thereby resulting in dripping of the fluid from the dispenser. As discussed on page 9 and illustrated in FIG. 5 of the present application, by positioning the outlet valve (90) inside the fluid passage (63) of the dispensing port (88), height H of fluid between the dispensing opening (99) and the valve member (90) can be minimized. With such a construction, the height (H) of the fluid inside the dispensing tip (97) can be adjusted so that the surface tension of the fluid at the dispensing opening (99) will be able to easily support the weight of the fluid within the dispensing tip (97), thereby reducing the chance that fluid will drip from the dispensing opening (99).

Again, it is thought that claim 18 as currently amended is not anticipated by Maerte. For instance, Maerte fails to disclose or suggest “an inverted fluid dispensing pump”, “the dispensing opening faces downwards when installed” and “an outlet valve disposed inside the fluid passage, wherein a height of the fluid in the fluid passage between the outlet valve and the dispensing opening is reduced so that surface tension of the fluid at the dispensing opening supports the fluid to minimize dripping of the fluid from the dispensing opening” as recited in claim 18. The pump 4 in Maerte is not an inverted dispensing pump with its dispensing opening facing downwards, so it does not experience the issues addressed by the dispensing system recited in claim 18. Moreover, the pump 4 does not have the recited outlet valve that reduces the fluid height. As can be seen in FIG. 2 of Maerte, the discharge port 8 extends sideways so the height of the fluid is a less significant of a factor for dripping. For this and other reasons, claim 18 and its dependent claims are allowable over the references of record.

INFORMATION DISCLOSURE STATEMENT

As a housekeeping matter, it should be noted that an Information Disclosure Statement (IDS) has been submitted with this response. The Applicants kindly request that the Examiner return an initialed copy of the IDS form with the next communication from the Patent Office.

CONCLUSION

It should be understood that the above remarks are not intended to provide an exhaustive basis for patentability or concede the basis for the rejections in the Office Action, but are simply provided to overcome the rejections made in the Office Action in the most expedient fashion.

In view of the above amendments and remarks, it is respectfully submitted that the present application is in condition for allowance and an early notice of allowance is earnestly solicited. If after reviewing this amendment the Examiner feels that any issues remain which must be resolved before the application can be passed to issue, the Examiner is invited to contact the undersigned representative by telephone to resolve such issues.

Respectfully submitted,

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